

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MASAO TSURUTA

Application No. 09/822,839

MAILED

JAN 11 2006

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on November 7, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On January 28, 2005, appellant filed an Information Disclosure Statement (IDS). It is not clear from the record whether the examiner considered the IDS submitted or whether the examiner notified appellant of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Also, in the examiner's answer (p. 3, prgh. 9) mailed on July 13, 2005, the examiner has listed in the Prior Art of Record

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section a reference to JP 1-210298. A review of the file reveals that this reference and the complete English translation for this reference were not provided for this application. The reference must be scanned in IFW before further prosecution of this application. Appropriate correction is required.

Accordingly, it is

ORDERED that this application be returned to the examiner to: 1) consider the Information Disclosure Statement filed January 28, 2005; 2) provide appropriate written notification by the examiner to appellant of such consideration; 3) enter the JP reference and the complete English translation for this reference in IFW; 4) supply a copy of the complete translation to the applicant; and 5) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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CRF/tdl